

REMARKS

Claims 121-124, 126-129, 132-144, and 146-147 are pending, with claims 121, 135, and 139 being independent. Claims 1-120, 125, 130, 131 and 145 were previously cancelled, without prejudice or disclaimer, and Applicant reserves the right to pursue these claims in this or related applications. By virtue of this amendment, claims 121, 135, and 139 are amended, and no new matter is included in these amendments.

Applicant thanks the Examiner for the courtesies extended during the telephone interview with Applicant's representative that occurred on November 14, 2006. Applicant believes that this amendment reflects the substance of the interview.

Claims 121-124, 126-129, 132-134, 139-144 & 147 are rejected under 35 U.S.C. 103(a)¹, as being obvious by Trojan et al. (U.S. Patent No. 5,297,032, referred to herein as "Trojan") in view of Lozman (U.S. Patent No. 5,689,651, referred to herein as "Lozman").

Claims 135-138 & 146 are rejected under 35 U.S.C. 103(a)² as being unpatentable over Trojan in view of Markese ("Can you trust mutual fund rankings?", by John Markese, Consumer Research Magazine, October 1993, referred to herein as "Markese").

Regarding the rejection of claims 121-124, 126-129, 132-134, 139-144 & 147 under 35 U.S.C. 103(a) as being obvious over Trojan in view of Lozman, Applicant respectfully submits that this rejection fails to establish a prima facie case of obviousness, for at least the reason that the proposed combination of Trojan and Lozman, even if valid, does not properly suggest or include all of the features of at least independent claims 121 and 139.

¹ Applicant notes that in the Office Action, this rejection is under the heading of 35 U.S.C. 103(a), and the text of 35 U.S.C. 103(a) is recited in conjunction with the application of the Trojan and Lozman references. Yet the Office Action also states, immediately following the text of 103(a), that the rejection is based under 25 U.S.C. 102(b). Consequently, Applicant assumes that the 102(b) rejection was typographical in nature and that the rejection is deemed to be under 103(a).

² Again, the Office Action appears inadvertently to cite 35 U.S.C. 102(b) as the basis for the rejection, instead of 35 U.S.C. 103(a).

For example, claim 121 recites:

A computer program product for handling transaction information, the computer program product being tangibly embodied on a computer-readable medium and including executable code that, when executed, is configured to cause a data processing apparatus to provide a transaction interface,

said transaction interface being configured to receive:

an identification of an item associated with a transaction;

a placement of a first subjective information parameter along a range displayed within the user interface, the first subjective information parameter being associated with a first rationale for engaging in said transaction and including a first graphical element that is movable within the user interface and relative to the range;

a placement of a second subjective information parameter along the range, the second subjective information parameter being associated with a second rationale for engaging in said transaction and including a second graphical element that is movable within the user interface and relative to the first graphical element and to the range; and

said transaction interface being further configured to store a transaction record that identifies the placement of the first subjective information parameter along the range relative to the placement of the second subjective information parameter along the range.

Neither Trojan nor Lozman, disclose or properly suggest at least the claim limitations of, “a placement of a first (or second) subjective information parameter along a range displayed within the user interface, the first (second) subjective information parameter being associated with a first (second) rationale for engaging in said transaction and including a first (second) graphical element that is movable within the user interface and relative to the (displayed) range,” as recited in claim 121. Consequently, neither Trojan nor Lozman discloses or properly suggests “...(storing) a transaction record that identifies the placement of the first subjective information parameter along the range relative to the placement of the second subjective information parameter along the range,” as also recited in claim 121.

Rather, and in direct contrast to the above limitations, Trojan and Lozman appear to be associated with techniques for receiving or determining data related to equity trades or potential equity trades, and then updating a display based thereon. For example, the Office Action alleges at page 3 that Trojan discloses “a transaction interface configured to store a transaction record that identifies the placement of the first subjective information parameter along the range relative

to the placement of the second subjective information parameter along the range,” and refers to item 450 of Trojan for this disclosure.

In this regard, FIG. 4 of Trojan appears to disclose “a logic flow path associated with a LEVEL 2/3 application,” in which a datastream is received from a remote server, parsed, and utilized by the LEVEL 2/3 application. Regarding item 450 specifically, Trojan discloses “... logic branches to test 440 wherein the system may be shifted from either the bid or ask side of the market for the security (being) displayed. This change is implemented via block 450, and logic continues to test 460.” (Trojan, column 9, lines 29-33).

Thus, as described above, Trojan merely discloses, at best, updating of a display based on received data, and does not provide any disclosure or suggestion regarding, for example, “a first (second) graphical element that is movable within the user interface and relative to the (displayed) range,” or storage of a placement of such an element(s) along the range in a transaction record, as recited in claim 121.

Similarly, Lozman merely teaches, at best, updating of a display based on received or determined data. For example, the Office Action at page 6 points to FIG. 3 of Lozman as disclosing “placement along a range.” Lozman, however, discloses a “system for processing and displaying financial market data corresponding to user selected primary and secondary symbols” (see Abstract), and FIG. 3 is consistent with these aspects of Lozman and discloses, for example, “a screen display object 92’ (that) includes a fixed length bar 124 representing the average price movement of a user-defined period of time...” (Lozman, column 5, lines 20-23). Lozman discloses that the user may define a “range” of values to be graphically represented as in FIG. 3, “giving the user real time indication of changes in market conditions relevant to the users’ interests” (Lozman, column 5, lines 10-15).

Thus, Trojan and Lozman, at best, teach a conversion of data, which may be user-defined or user-specified data, into a graphical form of a specified type. In direct contrast, independent claim 121 recites receiving placement of the recited graphical elements relative to a displayed range, and conversion into data including a transaction record as recited in claim 121. Therefore, neither Trojan, nor Lozman, nor any proper combination of the two, discloses or properly suggests the subject matter of independent claim 121.

Consequently, independent claim 121 is believed to be allowable for at least the above reasons, so that dependent claims 122-124, 126-129, and 132-134 are believed to be allowable for at least the same reasons.

Independent claim 139 is rejected under the same reasoning as claim 121, and contains at least the same or similar limitations of claim 121 just discussed. Consequently, Applicant submits that claim 139 is believed to be allowable for at least the above reasons, so that dependent claims 141-144, and 147 are believed to be allowable for at least the same reasons.

Regarding the rejection of claims 135-138 & 146 as being rejected under 35 U.S.C. 103(a)³ as being unpatentable over Trojan in view of Markese, Applicant respectfully submits that Trojan in view of Markese does not disclose or properly suggest all the features of at least independent claim 135.

For example, independent claim 135 recites:

An apparatus comprising a processing device wherein the processing device is configured to:
provide a transaction interface configured to store and retrieve transaction information, the transaction information comprising:
one or more transaction records, each transaction record comprising the following information:
an identification of an item associated with said transaction;
transaction information concerning said transaction, the transaction information reflecting a placement of one or more subjective information parameters along a spectrum that is displayed on the transaction interface, wherein each of the subjective information parameters includes a corresponding graphical element that is movable within the user interface and relative to the spectrum; and
one or more numeric data values determined by the processing device, based on the placement of the one or more subjective information parameters along the spectrum.

Regarding claim 135, The Office Action at page 8 again points to the passages of Trojan referenced above, but relies on Markese for the recited limitations of “numeric data values determined.” Markese, however, merely discloses, regarding mutual funds, “what... accounts for the differences among returns from the various ranking services.” (Markese, p.20). That is,

³ Again, the rejection appears erroneously to list 35 U.S.C. 102(b) as the basis of the rejection; again, since the larger heading on page 2 indicates 35 U.S.C. 103(a), and since multiple references are applied in combination, Applicant assumes that the indication of 35 U.S.C. 102(b) is a typographical error.

Markese merely attempts to provide readers with some type of explanation and normalization of characterizations (e.g., rankings) of mutual funds.

Therefore, given the limitations and deficiencies of Trojan discussed above, and since Markese does nothing to address or remedy these limitations and deficiencies, Applicant respectfully submits that Trojan in view of Markese does fairly suggest all the features of independent claim 135. For example, no proper combination of Trojan and Markese discloses at least, “a placement of one or more subjective information parameters along a spectrum that is displayed on the transaction interface, wherein each of the subjective information parameters includes a corresponding graphical element that is movable within the user interface and relative to the spectrum,” as recited in independent claim 135. Therefore, it is apparent that no proper combination of Trojan and Markese discloses numeric data values determined “based on the placement,” as recited in claim 135.

Consequently, Applicant submits that independent claim 135 is allowable, and requests that the rejection of claim 135 be withdrawn. Applicant further submits that dependent claims 136-138 and 146 are therefore allowable for at least the same reasons as submitted above.

Conclusion

Based on the above, Applicant respectfully submits that all of claims 121-124, 126-129, 132-144, 146, and 147 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (703-286-5735) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3521.

Respectfully submitted,

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Date 11/22/06

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of November, 2006.

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Signature